

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-SEVENTH LEGISLATURE

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**THIRTIETH LEGISLATIVE DAY  
TUESDAY, FEBRUARY 10, 2004**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Andreason, Gannon, Goedde, Little, Malepeai, Noble, Noh, Schroeder, and Werk, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Alex Johnston, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

Senators Goedde and Noh were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 9, 2004, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

### Petitions, Resolutions, and Memorials

Senators Little, Noble, and Werk were recorded present at this order of business.

#### **SJM 105**

#### **BY STATE AFFAIRS COMMITTEE**

#### **A JOINT MEMORIAL**

TO THE PRESIDENT OF THE UNITED STATES, GEORGE W. BUSH, TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Fifty-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, it has been determined by the Department of Defense and the Congress of the United States that reductions will occur in the size of the military forces of the United States; and

WHEREAS, these force reductions will result in the elimination and consolidation of military bases throughout the United States; and

WHEREAS, maximizing the security of the United States with a downsized military establishment will necessitate utilizing the most cost-effective and versatile bases; and

WHEREAS, Mountain Home Air Force Base has been demonstrated to be a highly cost-effective and versatile base, with costs of operation among the lowest in the nation; and

WHEREAS, the state of Idaho has worked closely with the United States Air Force in order to significantly increase the size and capabilities of the training range used by Mountain Home Air Force Base, demonstrating the commitment of the state of Idaho to the United States Air Force and the strategic defense of the United States of America.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Congress of the United States should give strong consideration to both increasing the current mission and adding additional missions to Mountain Home Air Force Base.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to President George W. Bush, to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

**SJM 105** was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senators Andreason, Gannon, Malepeai, and Schroeder were recorded present at this order of business.

February 10, 2004

The JUDICIARY AND RULES Committee reports that **S 1288, S 1289, S 1290, S 1291, S 1292, S 1293, S 1294, S 1295, and S 1296** have been correctly printed.

DARRINGTON, Chairman

**S 1288, S 1289, S 1290, S 1291, S 1292, S 1293, and S 1294** were referred to the Health and Welfare Committee.

**S 1295 and S 1296** were referred to the Resources and Environment Committee.

February 9, 2004

The JUDICIARY AND RULES Committee reports out **S 1232** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

NOH, Chairman

There being no objection, **S 1232** was referred to the Fourteenth Order of Business, General Calendar.

February 9, 2004

The RESOURCES AND ENVIRONMENT Committee reports out **H 510** with the recommendation that it do pass.

NOH, Chairman

**H 510** was filed for second reading.

February 9, 2004

The STATE AFFAIRS Committee reports out **S 1283** with the recommendation that it do pass.

SORENSEN, Chairman

**S 1283** was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

#### Messages from the Governor

February 9, 2004

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have appointed Enid Lee Davis of Idaho Falls, Idaho, to be Acting State Senator for Legislative District 33, Bonneville County, State of Idaho.

This appointment is effective Wednesday, February 11, 2004, and continue until such time as Senator Bart M. Davis is able to resume his duties.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

THE OFFICE OF THE GOVERNOR  
EXECUTIVE DEPARTMENT  
BOISE, IDAHO  
CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that pursuant to the provisions of Section 59-917, *Idaho Code*, Bart M. Davis, State Senator, District 33, Bonneville County, State of Idaho, has nominated Enid Lee Davis of Idaho Falls, Idaho, to perform the duties of this office temporarily as Acting State Senator, District 33, Bonneville County.

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me do

hereby appoint Enid Lee Davis, to the office of State Senator, District 33, Bonneville County, State of Idaho, for a term commencing on Wednesday, February 11, 2004, and continuing until such time as Senator Bart M. Davis is able to resume his duties.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this ninth day of February, in the year of our Lord Two thousand and four and of the Independence of the United States of America, the two hundred and twenty-eighth year.

/s/ BY THE GOVERNOR DIRK KEMPTHORNE  
/s/ SECRETARY OF STATE BEN YSURSA

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

February 9, 2004

Mr. President:

I transmit herewith **HJR 4, H 553, H 477, H 478, H 479, H 481, H 484, H 485, H 522, H 523, H 524, H 586, H 588, and H 518** which have passed the House.

JUKER, Chief Clerk

**HJR 4, H 553, H 477, H 478, H 479, H 481, H 484, H 485, H 522, H 523, H 524, H 586, H 588, and H 518** were filed for first reading.

February 9, 2004

Mr. President:

I return herewith **S 1239** which has passed the House.

JUKER, Chief Clerk

**S 1239** was referred to the Judiciary and Rules Committee for enrolling.

The Senate advanced to the Tenth Order of Business.

#### Motions and Resolutions

The President Pro Tempore announced the Health and Welfare Committee report, relative to the Gubernatorial appointments of Bruce Zimmerman, James Solem, David Hand, Mark VonLinder, John "Randy" MacMillan, and Nick Purdy, was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Kennedy, seconded by Senator Darrington, the Gubernatorial appointment of Bruce Zimmerman as a member of the Commission for the Blind and Visually Impaired was confirmed by voice vote.

On motion by Senator Stegner, seconded by Senator Burkett, the Gubernatorial appointment of James Solem as a member of

the Commission for the Blind and Visually Impaired was confirmed by voice vote.

On motion by Senator Burkett, seconded by Senator Davis, the Gubernatorial appointment of David Hand as a member of the Commission for the Blind and Visually Impaired was confirmed by voice vote.

On motion by Senator Stegner, seconded by Senator Burkett, the Gubernatorial appointment of Mark VonLinder as a member of the Hazardous Waste Facility Siting License Application Review Panel was confirmed by voice vote.

On motion by Senator Gannon, seconded by Senator Calabretta, the Gubernatorial appointment of John "Randy" MacMillan as a member of the Board of Environmental Quality was confirmed by voice vote.

On motion by Senator Stennett, seconded by Senator Davis, the Gubernatorial appointment of Nick Purdy as a member of the Board of Environmental Quality was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

**S 1297**

**BY STATE AFFAIRS COMMITTEE**

**AN ACT**

RELATING TO INDEPENDENT EXPENDITURES; AMENDING SECTION 67-6611, IDAHO CODE, TO PROVIDE THE TIME IN WHICH WRITTEN STATEMENTS SETTING FORTH CERTAIN EXPENDITURES MUST BE FILED WITH THE SECRETARY OF STATE.

**S 1298**

**BY LOCAL GOVERNMENT AND TAXATION  
COMMITTEE**

**AN ACT**

RELATING TO SOLID WASTE DISPOSAL SYSTEMS; AMENDING SECTION 31-4403, IDAHO CODE, TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS TO OPERATE AND MAINTAIN SYSTEMS BY EXCLUSIVE OR NONEXCLUSIVE MEANS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 50-344, IDAHO CODE, TO AUTHORIZE CITIES TO OPERATE AND MAINTAIN SYSTEMS BY EXCLUSIVE OR NONEXCLUSIVE MEANS.

**S 1297** and **S 1298** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**HJR 4**, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

**H 553**, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

**H 477, H 478, H 479, and H 481**, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 484, H 485, H 522, H 523, and H 524**, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**H 586, H 588, and H 518**, by Judiciary, Rules, and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**S 1210, S 1227, and S 1228**, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

The President Pro Tempore called Senator Sorensen to the Chair.

**H 566** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Kennedy, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Ingram, Keough. Total - 2.

Total - 35.

Whereupon the Acting President declared **H 566** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 11:15 a.m., Wednesday, February 11, 2004.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary